

Notice of Allowability

Application No.

09/553,010

Examiner

Vanel Frenel

Applicant(s)

BATES ET AL.

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/28/06.
2. ☒ The allowed claim(s) is/are 5-6, 21-22, renumbered as 1-4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Decision by the Board filed on 28 October 2005 and Applicant's amendment filed 2/28/2006. Claims 5-6 and 21-22 are pending.

Allowable Subject Matter

2. Claims 5-6 and 21-22 and are allowed. The following is an examiner's statement of reasons for allowance:

Independent claim 5 is directed to a method of conducting an economic transaction associated with rental of a vehicle over a period of time, the method comprising:

(a) tracking the location of the vehicle during at least a portion of the period of time associated with the rental including detecting that-the vehicle is located at a location having an increased level of risk: and

(b) adjusting a cost associated with the economic transaction associated with the rental at least in part based on the location of the vehicle at the location having the increased level of risk:

wherein tracking the location of the vehicle includes calculating the location of the vehicle at a point in time using a location sensor coupled to the vehicle and storing a timestamped entry in a database identifying the point in time and the calculated location of the vehicle at such point in time, wherein tracking the location of the vehicle further

includes determining a current region for the vehicle from the calculated location, wherein calculating the location of the vehicle includes calculating a second location for the vehicle at a second point in time, and wherein storing the timestamped entry in the database includes storing a second timestamped entry in the database for the second calculated location only if the region associated with the second calculated location differ from the region associated with the first calculated location.

The closest prior art of record, McMillan et al (U.S Patent Number 6,064,970), teaches motor vehicle monitoring system for determining a cost of insurance. However, McMillan does not teach tracking the location of the vehicle further includes determining a current region for the vehicle from the calculated location, wherein calculating the location of the vehicle includes calculating a second location for the vehicle at a second point in time. Strong and Keith fail to teach additional limitation of storing a second timestamped entry only if the region associated with the second location is different from the first location.

In the decision by the Board of Patent Appeals and Interferences mailed on 28 October 2005, the prior rejections of claims 1, 2-4, 7-9, 13, 17-20, 23-26, 29 and 30 are sustained. The reason for the reversal claims 5, 6, 21 and 22 was, as noted by the Board at page 7 of their decision mailed on 28 October 2005, there is nothing in Keith that relates to any region associated with the current or subsequent calculated location of the vehicle that determines whether a timestamped entry in the database should stored the second location of the vehicle, as recited in claim 5. Furthermore, the closest prior art references, Strong (U.S. Patent No. 6,006,148), McMillan et al (U.S. Patent No.

6,064,970) and Keith et al (U.S Patent No. 6,393,346) alone or in combination fail to disclose "calculating the location of the vehicle includes calculating a second location for the vehicle at a second point in time, and wherein storing the timestamped entry in the database includes storing a second timestamped entry in the database for the second calculated location only if the region associate with the second calculated location differ from the region associated with the first calculated location".

Claim 6 incorporates the feature of claim 5 through its dependency, and is also allowed for the same reasons given above.

Independent claim 21 is directed to an apparatus, comprising:

(a) a vehicle location tracking system configured to track the location of a vehicle during at least a portion of a period of time associated with .an economic transaction associated with rental of the vehicle: and

(b) a program configured to receive location information from the vehicle location tracking system to identify the location of the vehicle during the portion of the period of time associated with the economic transaction associated with rental of the vehicle, at least a portion of the location information indicating that the vehicle was located at a location having an increased level of risk, the program further configured to adjust a cost associated with the economic transaction associated with rental of the vehicle at least in part based on the location of the vehicle at the location having the increased level of risk; wherein the vehicle location tracking system comprises a location sensor coupled to the vehicle, and wherein the

vehicle location tracking system further includes a second program configured to store the location information in the form of timestamped entries, each identifying one of a plurality of regions and a time at which the vehicle was located in such region, the second program further configured to add a timestamped entry at a second point in time only when a current region for the vehicle at the second point in time differs from a previous region for the vehicle at a first, previous point in time.

The closest prior art of record, McMillan et al (U.S Patent Number 6,064,970), teaches motor vehicle monitoring system for determining a cost of insurance. However, McMillan does not teach the program further configured to adjust a cost associated with the economic transaction associated with rental of the vehicle at least in part based on the location of the vehicle at the location having the increased level of risk; wherein the vehicle location tracking system comprises a location sensor coupled to the vehicle, and wherein the vehicle location tracking system further includes a second program configured to store the location information in the form of timestamped entries.

According to Board of Decision on page 6-7 Keith does not teach each identifying one of a plurality of regions and a time at which the vehicle was located in such region, the second program further configured to add a timestamped entry at a second point in time only when a current region for the vehicle at the second point in time differs from a previous region for the vehicle at a first, previous point in time.

In the decision by the Board of Patent Appeals and Interferences mailed on 28 October 2005, the prior rejections of claims 1, 2-4, 7-9, 13, 17-20, 23-26, 29 and 30 are sustained. The reason for the reversal claims 5, 6, 21 and 22 was additional limitation of

storing a second timestamped entry only if the region associated with the second location is different, as noted by the Board at page 7 of their decision mailed on 28 October 2005.

Furthermore, the closest prior art references, Strong (U.S. Patent No. 6,006,148), McMillan et al (U.S. Patent No. 6,064,970) and Keith et al (U.S. Patent No. 6,393,346) alone or in combination fail to disclose each identifying one of a plurality of regions and a time at which the vehicle was located in such region, the second program further configured to add a timestamped entry at a second point in time only when a current region for the vehicle at the second point in time differs from a previous region for the vehicle at a first, previous point in time.

Claim 22 incorporates the feature of claim 21 through its dependency, and is also allowed for the same reasons given above.

Any comments considered by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied prior art (WO 03/073339) teaches vehicle monitoring system, and (The Institute of Electrical and Electronics Engineers, Inc. by Elizabeth A. Bretz Senior Associate Editor; April 2000), however fail to disclose all the limitations claimed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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V.F

July 8, 2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER